



STATE OF MAINE

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

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December 20, 1993

Mr. Robert Lim  
USEPA Region I  
Remedial Project Manager  
JFK Federal Building  
Boston, Mass. 02203

RE: Comments on the Draft Explanation of Significant Differences, Sites 1 and 3,  
NAS Brunswick

Dear Bob:

The Department has the following comments on the Explanation of Significant Differences, Sites 1 and 3, Naval Air Station Brunswick.

1. Page 18, Maine Solid Waste Regulations, MEDEP, Chapters 401-404: The Department's January 25, 1993 letter to Mr. James Shafer, was a response to a telephone inquiry from Mr. Shafer concerning whether a license was required to dispose of asbestos from Sites 5 and 6 at Sites 1 and 3. In this letter, the Department did not notify the Navy that the Maine Solid Waste Regulations were not applicable to Sites 1 and 3. The letter stated that the Director of the Division of Solid Waste Facility Licensing did not believe a license for asbestos disposal at Sites 1 and 3 was required because the disposal is part of a remedial activity. Asbestos is listed as a "Special Waste" in Maine, not a hazardous waste.

2. Page 18, fourth paragraph: As we discussed on the telephone, the Department does not support EPA's statements that the State of Maine Solid Waste Regulations, Chapters 401-404, are not appropriate at Sites 1 and 3.

The Department does not consider RCRA Subtitle C cap regulations to be as protective as Maine's Solid Waste Management Regulations (SWMR) for the following reasons:

Maine's SWMR are more protective for final cover than RCRA Subtitle C because SWMR address the protection of the cap from frost.

Maine's SWMR require a minimum of 30 years of long-term site monitoring, or longer, if required by the Board of Environmental Protection. RCRA Subtitle C requires a maximum of 30 years of monitoring.

A RCRA Subtitle C cap does not provide equal or greater protectiveness than the requirements set forth in the Maine SWMR. Maine SWMR are appropriate. Maine's SWMR Chapters 401-404 should be an ARAR.

Please call me at 207-287-2651, if you have any questions or comments.

Sincerely,



Nancy Beardsley  
Project Manager, Federal Facilities Unit  
Office of the Commissioner

cc:Jim Caruthers, NAS Brunswick  
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